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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/748,657

12/31/2003

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1293.1924

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EXAMINER

KOZIOL, STEPHEN R

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

01/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/748,657

Applicant(s)

LEE, KYOUNG-JAE

Examiner

Stephen R. Koziol

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-12.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

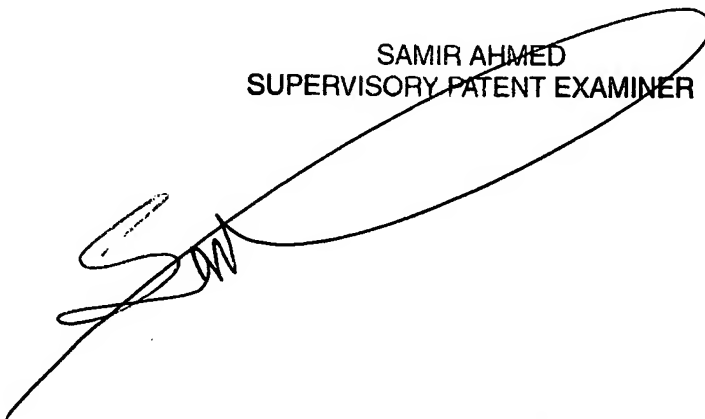
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Applicant's arguments fail to overcome outstanding rejections.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: the addition of claim 13 is not considered timely pursuant to 37 CFR 1.116 and will not be entered on the record at this time because the new claim was added after the final Office action. Applicant is advised that filing an RCE including at least claim 13 will result in the finality of the previous Office action being withdrawn and the addition of claim 13 to the record .

SAMIR AHMED
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'S. Ahmed', is written over the printed name and title. The signature is stylized with a large loop and a horizontal line.

ADVISORY ACTION

1. Applicant's remarks filed 12/13/2007 have been fully considered, but do not place the application in condition for allowance. By amendment, Applicant has added new claim 13. However, as indicated on attached form PTP-303, "Advisory Action before the Filing of an Appeal Brief" claim 13 will not be added to the record at this time because adding a new claim to an application after a final Office action has been issued is not considered a timely amendment pursuant to 37 CFR 1.116. Applicant is advised that filing an RCE (see 37 CFR 1.114) including claim 13 will result in the finality of the previous Office action being withdrawn, and the addition of claim 13 to the record (see MPEP 37 CFR 1.114 and 1.116).

On "Remarks" pp. 5 filed 12/13/2007, Applicant presents arguments asserting exemplary claim 1 is not taught by the cited prior art and thus is allowable. Chiefly, Applicant argues Lee ('426) teaches scanning a main-scan area in its entirety *prior to* identifying a current scan area in the main-scan area, and so does not teach claim 1, which scans a main document *until* the current scanning area is located in the main-scan area. However, claim 1 recites the inclusive "comprising," which allows that other elements may be present in the claimed scanning method. The fact that Lee ('426) may employ such other elements (e.g. display-driven user interface) when describing the pre-scanning and main-scanning operation of claim 1 (as detailed in the final Office action, 10/16/2007, and maintained herein) is not sufficient to distinguish claim 1 over Lee ('426). As such, the finality of the 10/16/2007 action is maintained.

Conclusion

2. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the Final Rejection, whichever is later. In no event, however, will the statutory period for replay expire later than SIX MONTHS from the mailing date of the final rejection.

Contact

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Koziol whose telephone number is (571) 270-1844. The examiner can normally be reached on M - alt. F 8:00-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached at (571) 272-7413. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-7332.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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